

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ELIZABETH KISH, et al.

Plaintiff,

Google, Inc. v. EMSAT Advanced Geo-Location Technology, LLC et al
v.

CITY OF AKRON, et al.

Defendant.

) CASE NO. 5:00CV2047

) JUDGE GALLAS

) AFFIDAVIT OF DALE SROKA

Doc. 59 Att. 1

I, Dale Martin Sroka, being first duly sworn upon his oath, deposes and says as follows:

1. I am the President of the Civil Service Personnel Association, representing the clerical, professional and technical employees of the City of Akron.

2. In the latter half of 1999, I represented Elizabeth Kish in grievances which included, among other items, improper compensatory time practices within the Plans and Permits Division of the City of Akron.

3. During this grievance process, I met on several occasions with the City's Labor Relations Manager James Masturzo.

4. During one meeting with Mr. Masturzo, after the City had agreed to discontinue the improper compensatory time procedure in the Plans and Permits Division, I inquired as to when Ms. Kish would receive back compensation for time that should have been earned at time and one-half, but was only credited at straight time. I told Mr. Masturzo that Ms. Kish had called the Department of Labor, Wage and Hour Department.

Mr. Masturzo responded that he was not going to give Ms. Kish this back time, and that she could "do what she has to do".

5. Mr. George Jumbert was present at this meeting when this comment was made by Mr. Masturzo.

6. I interpreted Mr. Masturzo's comment to be a direct challenge to Ms. Kish to go forward with a legal claim on her owed back time.

7. Based on Mr. Masturzo's comment, I believe that the City and Mr. Jumbert had knowledge that litigation regarding past owed compensatory time payments to Ms. Kish was probable.

8. Historically, the City of Akron has allowed employees to take one half hour unpaid lunch and two paid fifteen minute breaks per day.

Further Affiant sayeth naught.


Dale Martin Sroka, CSPA President

SWORN TO BEFORE ME and subscribed in my presence on this 25 day of June, 2001.


Notary Public

BETH A. TODD, Notary Public
State of Ohio
My Commission Expires June 17, 2002